

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES GIBSON BAILEY,

Defendant.

CR 22–22–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 23.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Defendant Charles Gibson Bailey is charged with one count of threats to murder federal law enforcement officers, in violation of 18 U.S.C. §§ 115(a)(1)(B), (b)(4) (Count I), one count of prohibited person in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1) (Count II), one count of unlawful storage of

explosive material, in violation of 18 U.S.C. §§ 842(j), 844(b) (Count III), and one count of evidence tampering, in violation of 18 U.S.C. §§ 1512(c)(1), 2 (Count IV), as set forth in the Indictment. (Doc. 1.) Judge DeSoto recommends that this Court accept Bailey's guilty plea as to Count II after Bailey appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. In light of the United States' motion for preliminary order of forfeiture (Doc. 25), the Court will address the issue of forfeiture by separate order.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 23) is ADOPTED in full.

IT IS FURTHER ORDERED that Bailey's motion to change plea (Doc. 16) is GRANTED.

IT IS FURTHER ORDERED that Bailey is adjudged guilty as charged in Count II of the Indictment.

DATED this 20th day of October, 2022.



Dana L. Christensen, District Judge
United States District Court